

IN RE: PETITION FOR ZONING VARIANCE
W/S Missi Court, 303' S of
Greenspring Avenue
(4 Missi Court)
4th Election District
3rd Councilmanic District
Dale Schnepf, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-144-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 41 feet in lieu of the required 50 feet for a proposed bedroom addition and attached garage, and to amend the 2nd Amended Final Development Plan of Worthington Valley Estates Addition, Lot 1B to allow construction of proposed improvements outside of the building envelope, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mr. Schnepf, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 4 Missi Court, zoned R.C. 5, has been the residence of Petitioners for almost 6 years. Petitioners propose constructing an addition onto the existing dwelling to provide living quarters for Mr. Schnepf's mother who's health is failing. Petitioners are also desirous of fulfilling their original goal of adding a garage to the house by a breezeway. In both instances, due to the layout of the lot, septic system location, and passive solar design of the house, the proposed improvements must be placed on the northern perimeter of the property necessitating the side yard variance.

Petitioner testified he financially will not be able to construct both improvements at the same time. Therefore, Petitioner's plat marked Exhibit 1 denotes Phase A and Phase B construction plans. Testimony indi-

cated if the relief requested is granted, there will be no detriment to the health, safety and general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31st day of October, 1988, that the Petition for Zoning Variance to permit a side yard setback of 41 feet in lieu of the required 50 feet for a proposed bedroom addition and attached garage, and to amend the 2nd Amended Final Development Plan of Worthington Valley Estates Addition, Lot 1B to allow construction of proposed improvements outside of the building envelope, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be respon-

sible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

October 31, 1988



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Dale Schnepf
4 Missi Court
Owings Mills, Maryland 21117

RE: PETITION FOR ZONING VARIANCE
W/S Missi Court, 303' S of Greenspring Avenue
(4 Missi Court)
4th Election District - 3rd Councilmanic District
Dale Schnepf, et ux - Petitioners
Case No. 89-144-A

Dear Mr. & Mrs. Schnepf:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

CERTIFICATE OF PUBLICATION

TOWSON, MD. Oct. 17, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept 29, 1988

THE JEFFERSONIAN,

Publisher

P# 05112
Pg# m20318
Pric# \$75.90

S. Zebe Olson
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD. Oct. 18, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 29, 1988

THE JEFFERSONIAN,

Publisher

P# 05112
Pg# m20318
Pric# \$75.90

S. Zebe Olson
Publisher

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 10/18/88



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Dale Schnepf
4 Miss Court
Owings Mills, Maryland 21117

Re: Petition for Zoning Variance
CASE MFER# 89-144-A
W/S Missi Court, 303' S Greenspring Avenue
(4 Missi Court)
4th Election District - 3rd Councilmanic
District
Petitioner(s): Dale Schnepf, et ux
HEARING SCHEDULED: FRIDAY, OCTOBER 21, 1988 at 9:00 a.m.

Dear Mr. & Mrs. Schnepf:

Please be advised that \$90.90 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 059028

DATE: 10/21/88 ACCOUNT: R-01-615-JXX

AMOUNT: \$ 90.90

RECEIVED FROM: Dale Schnepf

FOR: Posting and Advertising 10/21/88 Hearing

VALIDATION ON SIGNATURE OF CASHIER

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3.B.3. To allow a side yard setback of 41 ft. (for an addition and attached garage) in lieu of the required 50 ft. AND To amend the 2nd Amended Final Development Plan of Worthington Valley Estates Addition, Lot 1B to allow construction of these projections outside of the building envelope.

1. Due to the internal room layout, septic system location, and passive solar design of the home, any expansion of living space is most practically added on the northern perimeter.
2. A recent medical diagnosis of the owners parent has forced a long term rooming hardship condition to occur. Although the site and medical condition of the suffering parent.
3. Reasons #1 and #2 stated above have forced an immediate extension of the residence on the northern perimeter noted on the plat attached in solid lines and marked Phase "A". A garage and attached walkway, shown on the same plat as Phase "A" were always planned for the home in the future, but now for esthetic reasons should also be placed in the same viewing line as the bedroom addition, rather than on the original building setback line.

As prescribed by Zoning Regulations.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

DALE SCHNEPF

(Type or Print Name)

Dale Schnepf

(Type or Print Name)

Dale Schnepf

(Type or Print Name)

Dale Schnepf

(Type or Print Name)

Dale Schnepf

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Dale Schnepf

(Type or Print Name)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

September 13, 1988

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

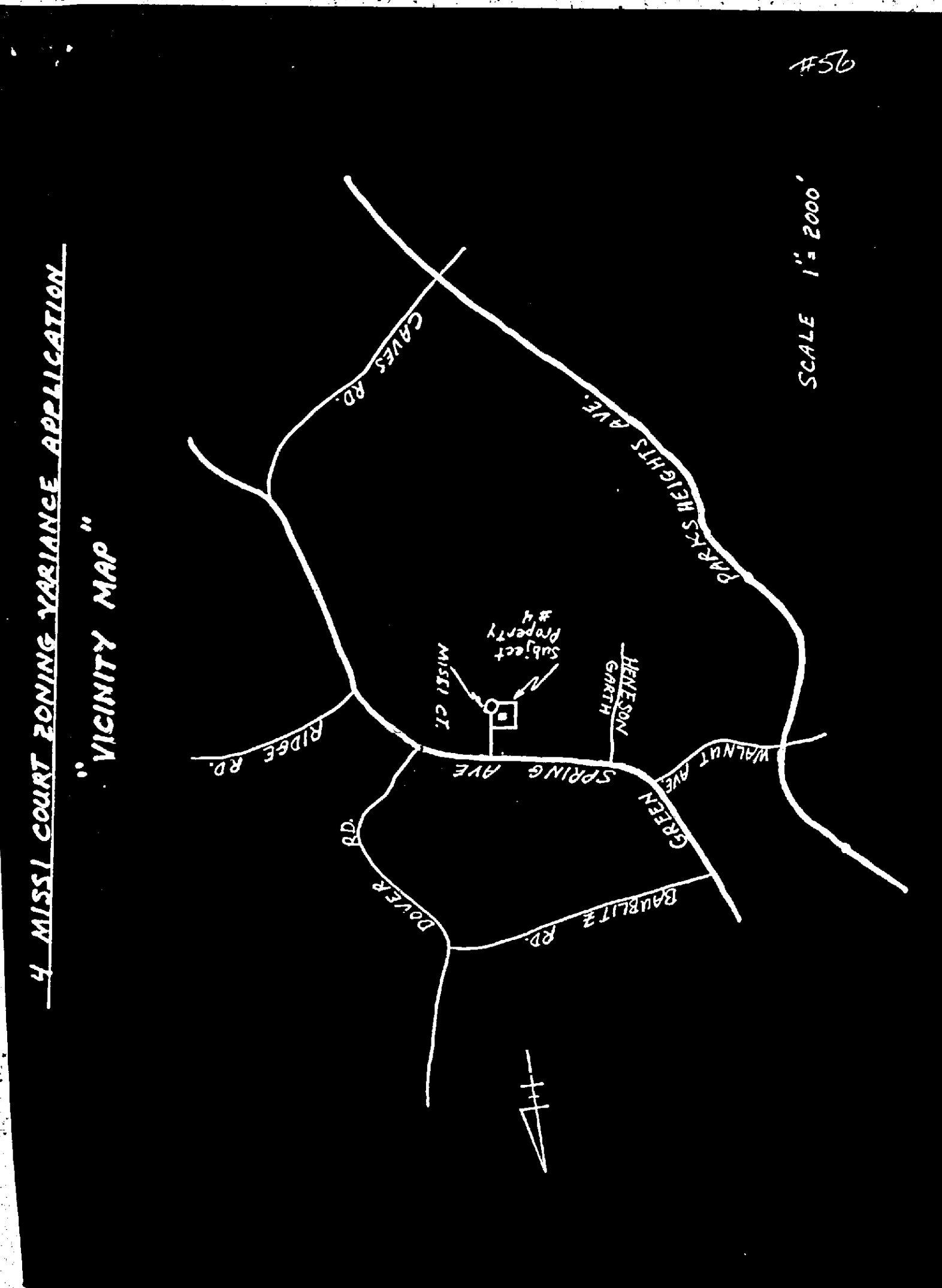
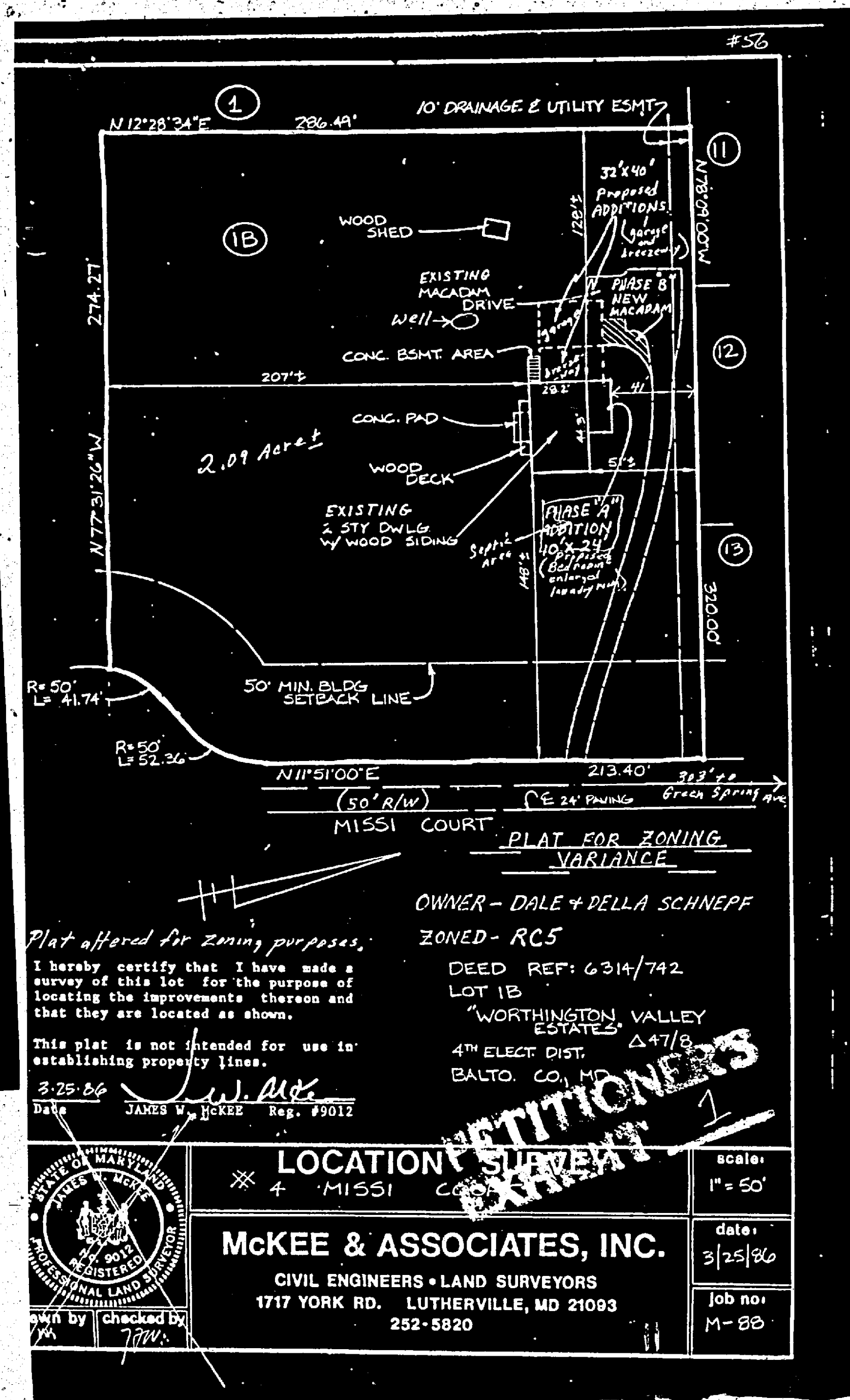
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-144-A
45 Missi Court, 303' S Green Spring Avenue
(A Missi Court)
4th Election District - 3rd Councilmanic
Petitioner(s): Dale Schnepf, et ux
HEARING SCHEDULED: FRIDAY, OCTOBER 21, 1988 at 9:00 a.m.

Variance to allow a side yard setback of 41 ft. (for an addition and attached garage) in lieu of the required 50 feet and to amend to 2nd Amended Final Development Plan of Worthington Valley Estates Addition, Lot No. 1-B to allow construction of these projections outside of the building envelope.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Mr. & Mrs. Dale Schnepf
File



89-144-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
24th day of August, 1988.

J. Robert Haines
Zoning Commissioner

Petitioner: Dale Schnepf, et ux
Petitioner's Attorney

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

September 7, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Dale Schnepf, et ux
Location: W/S Missi Ct., 303' S. of Green Spring Avenue
Item No.: 56 4 Missi Court
Zoning Agenda: Meeting of 8/23/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] NOTED & APPROVED: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
October 10, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Dale Schnepf
4 Missi Court
Owings Mills, Maryland 21117

RE: Item No. 56 - Case No. 89-144-A
Petitioner: Dale Schnepf, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Schnepf:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:dt